



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/ 601 377

EXAMINER

M. Budd

ART UNIT	PAPER NUMBER
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7834

#12

DATE MAILED:

INTERVIEW SUMMARY

All participants (applicant, applicant's representative, PTO personnel):

(1) M. David Billodeau

(3)

(2) Mr. Remus Fedea

(4)

Date of Interview 2-27-02

Type: ☐ Telephonic ☒ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☒ No If yes, brief description:

Agreement ☐ was reached. ☒ was not reached.

Claim(s) discussed: Proposed amendments to claim 1 (copies attached)

Identification of prior art discussed: All

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussed structure of proposed claims and how it distinguished from the art of record. Upon filing of an amendment a new search/consideration may be required.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. ☒ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary. A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. ☐ Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

Examiner Note: You must sign this form unless it is an attachment to another form.

MARCO BUDD
PRIMARY EXAMINER
ART UNIT 712

Manual of Patent Examining Procedure, Section 713.04 Substance of interview must be Made of Record

3. A complete written statement as to the substance of any fact in issue or telephonic interview with regard to an application must be signed of record by the applicant, whether or not an agreement with the examiner was reached at the interview.

1. *Journal of the American Medical Association*, 1997; 277: 1033-1037.

Of a "verdict" which is requested in view of an interview with an examiner, a statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the conclusiveness of response to Office action as specified in §§ 1.111, 1.135, 1.35 (U.S.C. 132).

§ 1.2. Business to be transacted in writing. All business with the Patent or Trademark Office must be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be passed exclusively in the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The mission of the Patient and Technology Offset Act is to bring "breakthrough" medical devices to market more quickly. The Act is a response to the frustration of patients and doctors who are waiting for new medical technologies to be developed and marketed. The Act is designed to encourage the development of new medical technologies by providing a faster path to market for devices that are "breakthrough" in nature. The Act is designed to encourage the development of new medical technologies by providing a faster path to market for devices that are "breakthrough" in nature.

It is the responsibility of the applicant or the attorney or agent making the application or to interview witnesses in the examination, unless the examiner directs he or she will do so; it is the examiner's responsibility to see that such records are made and to correct material inaccuracies which bear directly on the question of patentability.

[illegible][illegible]

THE ABOVE PROPERTIES ARE A CONSEQUENCE OF THE FOLLOWING LEMMA:

- Serial Number of the application
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (personal or telephonic)
- Name of participant(s) (applicant, attorney or agent, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted.
- An identification of the claims discussed
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). (Agreements as to allowability are tentative and do not restrict further action by the examiner to the contrary.)
- The signature of the examiner who conducted the interview
- Name of owner, applicant and trademark office address present.

The Form also contains a statement reminding the applicant of his responsibility to record the substance of the interview.

It is desirable that the examiner orally remind the applicant of his obligation to record the substance of his interview at each date unless both applicant and examiner agree that the examiner will record same. Where the examiner agrees to record the substance of his interview, or when this is adequately reflected on the Form or in an attachment to the Form, the examiner should check a box at the bottom of the Form informing the applicant that he need not supplement the Form by submitting a separate record of the substance of the interview.

It should be pointed out, however, that the information contained in Form 1023 is not intended to be a substitute for professional advice and should not be relied upon for tax planning purposes. The information is provided for general informational purposes only and is not intended to be a substitute for professional advice. The information is provided for general informational purposes only and is not intended to be a substitute for professional advice.

A complete and proper recortation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted;
- 2) an identification of the claims discussed;
- 3) an identification of specific prior art discussed;
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the examiner;
- 5) a brief identification of the general dispute or the principal arguments presented to the examiner. The identification of arguments need not be lengthy or elaborate. A somewhat sketched description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he feels were or might be persuasive to the examiner;
- 6) a general indication of any other pertinent matters discussed; and
- 7) if appropriate, the general result or outcome of the interview, if it is already described in the Interview Summary Form completed by the examiner.

It is the policy of the Department of Health and Human Services, Office of Inspector General, that if the above is not complete or accurate, the examiner will give the applicant one month from the date of the notifying letter or its remainder (i.e., any period or response, whichever is longer), to complete the response and thereby avoid revocation of the application (37 CFR 1.125(e)).

Examiner to Check for Accuracy

Significant omissions of what took place in the interview should be carefully recorded to improve the accuracy of any statement or interview report. If the content of the interview is found to be incomplete and the interview subject is the source of inaccuracy, it should be pointed out to the interviewee with the understanding that the interviewee is responsible for any omissions or errors. The examiner should not feel obligated to verify facts as to the content of the statement submitted if the interview record is complete and accurate. **The examiner should place the indication "Interview record OK" on the paper recording the substance of the interview along with the date and**